

KANSAS MEDICAID STATE PLAN

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Method and Standards for Establishing Payment Rates: Nursing Facilities
Nursing Facility Quality Enhancement Wage Pass-Through Program

SB 126—Am by H

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1 salaries and benefits to direct care and other support staff as specified in
2 this subsection or to hire additional staff that fall into the eligible person
3 nel categories specified in this subsection.

4 ~~44~~ (d) No wage pass-through moneys shall be expended to increase
5 management compensation or facility profits. A nursing facility partici-
6 pating in the quality enhancement wage pass-through program which fails
7 to file quarterly enhancement audit reports shall be terminated from the
8 program and shall repay all amounts which the nursing facility has re-
9 ceived under the quality enhancement wage pass-through program for
10 that reporting period.

11 (e) All expenditures for the quality enhancement wage pass-
12 through program shall be made only from moneys specifically ap-
13 propriated therefor.

14 (f) As used in this section, "nursing facility" means a nursing
15 facility as defined under K.S.A. 39-923 and amendments thereto
16 or an intermediate care facility for the mentally retarded as de-
17 fined under K.S.A. 39-923 and amendments thereto.

18 Sec. 2. This act shall take effect and be in force from and after its
19 publication in the statute book.

DEC 01 1999

JUL 01 1999

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(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated or established by a city having a population of more than 200,000.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas pari-mutuel racing act.

(5) On the state fairgrounds, if such liquor is domestic wine or wine imported under subsection (c) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises, subject to limitations established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(10) In the state capitol building or on its surrounding premises, on December 31, 1999, and January 1, 2000, subject to limitations established in policies adopted by the secretary of the department of administration.

(11) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) Any city may exempt, by ordinance, from the provisions of subsection (c) any national guard armory in which such city has a leasehold interest, if the Kansas military board consents to the exemption.

(i) The provisions of subsection (c) shall not apply to functions or activities held in the Hiram Price Dillon house or on its surrounding premises, except to the extent limitations are established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(j) (i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

Sec. 4 K.S.A. 1998 Supp. 41-201 and 41-719 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 20, 1999.)

HOUSE BILL No. 2489

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1999, June 30, 2000, and June 30, 2001; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending K.S.A. 1998 Supp. 79-2964, as amended by section 94 of 1999 Senate Bill No. 325, and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) For the fiscal years ending June 30, 1999, June 30, 2000, and June 30, 2001, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements, and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 1999 and shall constitute the omnibus reconciliation spending limit bill for the 1999 regular session of the legislature for purposes of subsection (a) of K.S.A. 75-6702 and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 2.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Community based services	
For the fiscal year ending June 30, 2000.....	\$1,200,000
Youth services aid and assistance	
For the fiscal year ending June 30, 1999.....	\$6,428,207
For the fiscal year ending June 30, 2000.....	\$4,670,000
Other medical assistance	
For the fiscal year ending June 30, 1999.....	\$4,386,100
For the fiscal year ending June 30, 2000.....	\$10,808,100
Mental health and retardation services aid and assistance and state institutions operations	
For the fiscal year ending June 30, 2000.....	\$357,143
Nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126	
For the fiscal year ending June 30, 2000.....	\$224,402

Provided, That all expenditures from the nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126 account shall be made pursuant to an application and selection process for prioritization which is hereby authorized and directed to be prescribed in policies adopted by the secretary of aging and, with respect to expenditures from the nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126 account by the department of social and rehabilitation services, which shall be administered by the department of social and rehabilitation services in accordance with the policies adopted by the secretary of aging.

(b) On the effective date of this act, of the \$1,849,723 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 116(a) of 1999 Senate Bill No. 325 from the state general fund in the mental health and retardation services aid and assistance and state institutions operations account, the sum of \$454,938 is hereby lapsed.

(c) On the effective date of this act, of the \$49,982,374 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 120(a) of chapter 203 of the 1998 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$190,000 is hereby lapsed.

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(d) On July 1, 1999, of the \$53,328,276 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 55(a) of 1999 Senate Bill No. 325 from the state general fund in the cash assistance account, the sum of \$190,000 is hereby lapsed.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the children's health care programs fund for fiscal year 2000, expenditures may be made by the above agency from the children's health care programs fund for fiscal year 2000 for the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's health care programs fund—home and community based services for mental retardation..... \$2,000,000

Provided, That all expenditures by the above agency from the children's health care programs fund for fiscal year 2000 from the children's health care programs fund—home and community based services for mental retardation account shall be in addition to any expenditure limitation imposed on the children's health care programs fund for fiscal year 2000. Provided further, That expenditures from this account shall be made to serve persons known to have applied for and been determined to need community developmental disability services. And provided further, That such expenditures shall not exceed this amount when serving persons for a full fiscal year.

Children's health care programs fund—home and community based services for physically disabled \$1,800,000

Provided, That all expenditures by the above agency from the children's health care programs fund for fiscal year 2000 from the children's health care programs fund—home and community based services for physically disabled account shall be in addition to any expenditure limitation imposed on the children's health care programs fund for fiscal year 2000.

(f) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the state operations account of the state general fund for the fiscal year ending June 30, 2000, as authorized by section 55(a) of 1999 Senate Bill No. 325 or by this or other appropriation act of the 1999 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from the state operations account of the state general fund for fiscal year 2000 to conduct a review of, and to adopt appropriate amendments to, the rules and regulations and the administrative policies of the department of social and rehabilitation services for the purposes of clarifying the definitions of children in need of care, especially in the areas relating to protective custody. Provided, That the secretary of social and rehabilitation services shall submit a report to the legislature by January 10, 2000, setting forth the results of such study and the amendments adopted to the rules and regulations and the administrative policies of the department of social and rehabilitation service with respect thereto.

(g) On July 1, 1999, of the \$89,635,746 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 55(a) of 1999 Senate Bill No. 325 from the state general fund in the state operations account, the sum of \$38,701 is hereby lapsed.

(h) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the department of social and rehabilitation services is hereby decreased from 4,176.0 to 4,170.5.

(i) On the effective date of this act, the amounts specified in section 120(c) of chapter 203 of the 1998 Session Laws of Kansas as being included in the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for any such institution shall not be limited to, or be required to be made in, the amount listed for the institution, as follows: (1) The amount for Kansas neurological institute is hereby decreased from \$10,198,356 to \$10,192,251; (2) the amount for Larned state hospital is hereby decreased from \$8,677,519 to \$7,823,934; (3) the amount for Osawatimie state hospital is hereby decreased from \$3,693,609 to \$2,593,609; (4) the amount for Parsons state hospital and training center is hereby increased from \$8,683,907 to \$8,686,419; and (5) the amount for Rainbow mental health facility is hereby decreased from \$2,391,500 to \$2,177,740.

(j) On the effective date of this act, the expenditure limitation established by section 116(o) of 1999 Senate Bill No. 325 on the Larned state hospital fee fund is hereby increased from \$2,769,829 to \$3,619,829.

(k) On the effective date of this act, the expenditure limitation estab-

lished by section 116(p) of 1999 Senate Bill No. 325 on the Osawatimie state hospital fee fund is hereby increased from \$3,152,948 to \$4,252,948.

(l) On the effective date of this act, the expenditure limitation established by section 116(r) of 1999 Senate Bill No. 325 on the Rainbow mental health facility fee fund is hereby increased from \$1,036,361 to \$1,236,361.

(m) On July 1, 1999, the amounts specified in section 55(c) of 1999 Senate Bill No. 325 as being included in the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for the following institutions are hereby changed to the amounts specified, but expenditures from the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for any such institution shall not be limited to, or be required to be made in, the amount listed for the institution, as follows: (1) The amount for Kansas neurological institute is hereby decreased from \$7,931,823 to \$7,902,731; (2) the amount for Larned state hospital is hereby increased from \$11,768,273 to \$11,799,364; (3) the amount for Osawatimie state hospital is hereby decreased from \$5,988,178 to \$5,971,632; (4) the amount for Parsons state hospital and training center is hereby increased from \$5,943,156 to \$5,950,211; and (5) the amount for Rainbow mental health facility is hereby increased from \$1,583,476 to \$1,586,011.

(n) On July 1, 1999, the position limitations established by section 90(a) of 1999 Senate Bill No. 325 for the following agencies are hereby increased or decreased, as specified, to the position limitations specified for such agencies: (1) The position limitation for Larned state hospital is hereby decreased from 767.6 to 766.6; (2) the position limitation for Osawatimie state hospital is hereby decreased from 483.4 to 482.4; (3) the position limitation for Parsons state hospital and training center is hereby decreased from 522.0 to 521.0; and (4) the position limitation for Rainbow mental health facility is hereby decreased from 137.4 to 136.4.

(o) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2000, as authorized by this or other appropriation act of the 1999 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from any such moneys appropriated for fiscal year 2000 for the receipt, crediting and disbursement of moneys received by the department of social and rehabilitation services for payments of support pursuant to a rule or administrative order issued by the Kansas supreme court, which is hereby authorized to be issued by the Kansas supreme court, directing payments of support, which are made pursuant to any court order entered in this state regardless of the date of the order, to be made to a central unit for the collection and disbursement of support payments, notwithstanding the provisions of any statute to the contrary.

(p) On July 1, 2000, the director of accounts and reports shall transfer any unencumbered balance in the children's health care programs fund—home and community based services for mental retardation account of the children's health care programs fund to the critical emergency services for CDDOS fund.

(q) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Critical emergency services for CDDOS fund
For the fiscal year ending June 30, 2001..... \$0

Sec. 3.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Administration	
For the fiscal year ending June 30, 2000	\$423,250
Long term care	
For the fiscal year ending June 30, 1999	\$200,000
For the fiscal year ending June 30, 2000	\$840,000
Nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126	
For the fiscal year ending June 30, 2000	\$1,725,000

Provided, That all expenditures from the nursing facilities quality en-

(continued)

Vol. 18, No. 20, May 20, 1999

TN# MS 99-14

Approval Date

Effective Date

JUL 01 1999

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Supersedes TN# MS-New

REC. 01 1999

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enhancement wage pass-through pursuant to 1999 Senate Bill No. 126 account shall be made pursuant to an application and selection process for prioritization which is hereby authorized and directed to be prescribed in policies adopted by the secretary of aging and, with respect to expenditures from the nursing facilities quality enhancement wage pass-through, pursuant to 1999 Senate Bill No. 126 account by the department on aging, which shall be administered by the department on aging in accordance with the policies adopted by the secretary of aging.

(b) On or before July 15, 1999, and on the 15th day of each month thereafter during the fiscal year ending June 30, 2000, the secretary of aging shall certify to the director of the budget the total amount of moneys which were received by the department on aging during the preceding month from the federal government and which were deposited in the state treasury to the credit of the medicaid fund—federal. During the fiscal year ending June 30, 2000, after receiving one or more certifications from the secretary of aging under this subsection, the director of the budget may certify an amount or amounts to the director of accounts and reports to be transferred from the medicaid fund—federal of the department on aging to the state general fund for the purpose of reimbursing the state general fund for the amount appropriated for the department on aging from the state general fund in the administration account. Upon receiving each such certification from the director of the budget, the director of accounts and reports shall transfer the amount or amounts certified from the medicaid fund—federal of the department on aging to the state general fund on the dates specified by the director of the budget.

(c) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the department on aging is hereby increased from 155.8 to 157.8.

Sec. 4.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established by section 136(a) of 1999 Senate Bill No. 325 on the agency operations account of the state highway fund is hereby decreased from \$198,435,474 to \$198,248,984.

(b) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the department of transportation is hereby increased from 3,118.5 to 3,219.5.

(c) On July 1, 1999, the expenditure limitation established by section 89(b) of 1999 Senate Bill No. 325 on the agency operations account of the state highway fund is hereby increased from \$205,226,194 to \$212,487,075.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Transportation revolving fund	
For the fiscal year ending June 30, 2000.....	No limit
Highway bond proceeds fund	
For the fiscal year ending June 30, 2000.....	No limit
Coordinated public transportation assistance fund	
For the fiscal year ending June 30, 2000.....	No limit

(e) On July 1, 1999, the expenditure limitation established by section 89(b) of 1999 Senate Bill No. 325 on the payments for city connecting links account of the state highway fund is hereby increased from \$2,240,000 to No limit.

(f) In addition to the other purposes for which expenditures may be made by the department of transportation from the state highway fund or from any other special revenue fund for the fiscal year ending June 30, 2000, as authorized by section 89 of 1999 Senate Bill No. 325 or by this or other appropriation act of the 1999 regular session of the legislature, expenditures shall be made by the department of transportation from the state highway fund or from any other special revenue fund for fiscal year 2000 to conduct a study to be conducted by personnel of the department of transportation or by a qualified consultant pursuant to a contract entered into therefor, which shall review and study the flooding history and state highway construction history in the flood plain vicinity of the junction of U.S. highway 54 and U.S. highway 69 northeast of Fort Scott, Kansas. *Provided*, That such study shall include study of bridge number 5 on U.S. highway 69 in Bourbon county in conjunction with the surrounding flood plain. *Provided further*, That such study shall include a study of the relationship of flooding to existing highway embankments

and, in consultation with the chief engineer of the division of water resources of the Kansas department of agriculture regarding current flood control and other surface water standards of the division of water resources of the Kansas department of agriculture, the development of proposals for lessening flood severity in the area. *And provided further*, That the secretary of transportation shall submit a report to the legislature by January 10, 2000, setting forth the results of such study and any recommendations or proposals that have been developed from such study.

(g) In addition to the other purposes for which expenditures may be made by the department of transportation from the state highway fund or from any other special revenue fund for the fiscal year ending June 30, 2000, as authorized by section 89 of 1999 Senate Bill No. 325 or by this or other appropriation act of the 1999 regular session of the legislature, expenditures shall be made by the department of transportation from the state highway fund or from any other special revenue fund for fiscal year 2000 to conduct a study to be conducted by personnel of the department of transportation or by a qualified consultant pursuant to a contract entered into therefor, which shall review and study the accident history of the new section of K-96 from northwest of Maize, Kansas, to south of Hutchinson, Kansas. *Provided*, That such study shall include the development of proposals for any changes or modifications to such new section of K-96 which may address the accident history or otherwise provide improvements which are intended to reduce the incidence of highway accidents on such new section of K-96. *Provided further*, That the secretary of transportation shall submit a report to the legislature by January 10, 2000, setting forth the results of such study and any recommendations or proposals that have been developed from such study.

(h) In addition to the other purposes for which expenditures may be made by the department of transportation from the state highway fund for the fiscal years ending June 30, 2000, or June 30, 2001, as authorized by section 89 of 1999 Senate Bill No. 325, or by this or other appropriation act of the 1999 regular session of the legislature or by any appropriation act of the 2000 regular session of the legislature, expenditures shall be made by the department of transportation from the state highway fund for fiscal year 2000 or fiscal year 2001 for the purpose of paying all expenses associated with the authorizing and issuing of bonds authorized by 1999 House Bill No. 2071. *Provided*, That, all contracts for the issuance and sale of such bonds including contracts with financial advisors, attorneys and such other professional services related to the issuance and sale of such bonds shall be entered into pursuant to a competitive selection process.

Sec. 5.

KANSAS LOTTERY

(a) The director of accounts and reports shall not make any transfers from the lottery operating fund of the Kansas lottery to the state general fund that are prescribed to be made by section 45(c) of 1999 Senate Bill No. 325 and the executive director shall not make any of the calculations, determinations and certifications that are prescribed to be made by section 45(c) of 1999 Senate Bill No. 325. *Provided*, That, in lieu thereof, the director of accounts and reports shall make the transfers from the lottery operating fund of the Kansas lottery to the state general fund that are prescribed to be made by subsection (b) of this section and the executive director of the Kansas lottery shall perform the calculations, determinations and certifications prescribed by subsection (b) of this section.

(b) On June 15, 2000, the executive director of the Kansas lottery shall determine whether the total of all transfers during the fiscal year ending June 30, 2000, from the lottery operating fund to the state gaming revenues fund as of June 15, 2000, equals \$59,400,000 or more. *Provided*, That, if the total amount of such transfers is less than \$59,400,000 as of June 15, 2000, then the executive director of the Kansas lottery shall compute the difference between the projected total amount of such transfers during fiscal year 2000 and the actual total of the transfers as of June 15, 2000, and, on June 15, 2000, the executive director of the Kansas lottery shall certify to the director of accounts and reports the amount equal to the difference between projected and actual total transfers so computed. *Provided further*, That, on or after receiving such certification and not later than June 20, 2000, the director of accounts and reports shall transfer the amount certified from the lottery operating fund to the state general fund for the purpose of enhancing revenues and providing additional moneys for the state general fund if lottery sales fall below a projected total of \$198,000,000 during the fiscal year 2000 period for determination of lottery transfers and the total of the actual transfers to the state gaming revenues fund do not equal or exceed the projected total

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Methods and Standards for Establishing Payment Rates-
Skilled Nursing and Intermediate Care Facility Rates
(NFs and NFs/MH)

RESERVED

JUN 9 1999

TN#MS99-01 Approval Date: _____ Effective Date: 1/1/99 Supersedes TN#MS-94-02

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Methods and Standards for Establishing Payment Rates-
Skilled Nursing and Intermediate Care Facility Rates
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Reserve for future use

JUN 9 1999

TN#MS99-01 Approval Date: _____ Effective Date: 1/1/99 Supersedes TN#MS-93-19

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Subpart J

Methods and Standards for Establishing Payment Rates-
Skilled Nursing and Intermediate Care Facility Rates
(NFs and NFs/MH)

Reserve for future use

JUN 9 1999

TN#MS99-01 Approval Date: _____ Effective Date: 1/1/99 Supersedes TN#MS-93-19

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Methods and Standards for Establishing Payment Rates-
Skilled Nursing and Intermediate Care Facility Rates
(NFs and NFs/MH)

Reserve for future use

JUN 9 1999

TN#MS99-01 Approval Date: _____ Effective Date: 1/1/99 Supersedes TN#MS-93-19

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Methods and Standards for Establishing Payment Rates-
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RESERVED

JUN 9 1999

TN#MS99-01 Approval Date: _____ Effective Date: 1/1/99 Supersedes TN#MS-94-02

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Subpart M

Methods and Standards for Establishing Payment Rates-
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(NFs and NFs/MH)

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